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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,559	07/23/2003	Masaharu Nishikawa	50195-375	6633

7590 06/15/2005
McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/624,559	Applicant(s) NISHIKAWA, MASA HARU	
	Examiner Katherine W. Mitchell	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/28/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawing correction replacement sheets filed 3/28/2005 have been approved for entry.

Claim Objections

2. Claim 7 is objected to because of the following informalities: In the next to last line of the claim, "from" should be --formed--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

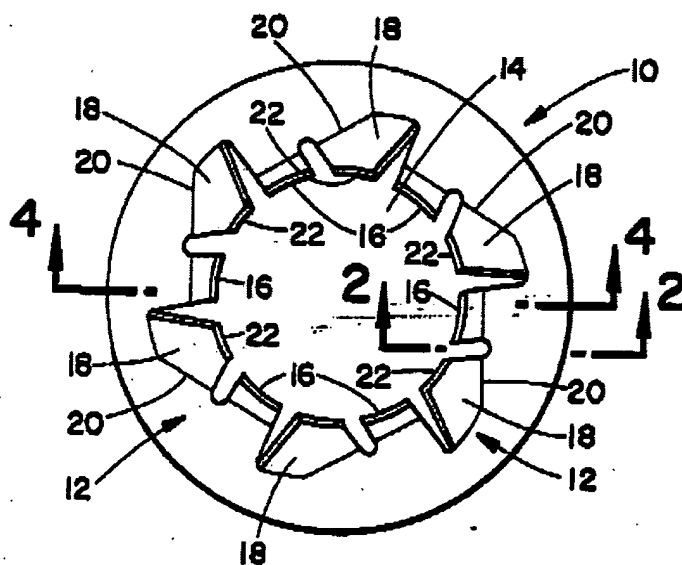
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher USP 4911594

Re claims 1 and 7: Fisher discloses an attachment clip and structure for attaching a first member, having a hole, to a second member, having a projecting bolt passable through said hole, comprising:

- A clip body 12 with an abutment part capable of attaching a first member to a second member, having a shank hole to accommodate passage of a bolt
- A plurality of engagement claws (spring fingers 18 and 16 are both considered claws, per Fig 4 and col 3 lines 51- col 4 line 41) formed around inner periphery of hole and radially projecting inward (Fig 1) and inclined to the clip body so that



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- Wherein the tips of two specific claws are apart from each other a predetermined distance in height (Fig 4, 18 higher than 16) and the height difference is equal to one or more thread pitches on the bolt shank.

tip (tĭp) *noun*

1. The end of a pointed or projecting object. ¹

Examiner notes that in addition to the figure above, col 4, lines 20-25 teach that the length of the tip 22 of claw 18 is at least as long or preferably longer than the distance between adjacent thread crests to ensure that the tips or terminal edges are in engagement with at least one thread crest. Thus the tip 22 of claw 18, which has been described as extending along a helical path, is separated from the tip of 16 by a distance equal to at least one or more thread pitches.

- Examiner notes that Fisher teaches in col 1 lines 8-18 that the clips are commonly used to retain partial assemblies in an assembled relationship, thus inherently there are first and second members attached by the clip via a bolt.

Re claim 2: At least 3 claws are shown.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Frederick USP 3203302. Fisher teaches all the elements except at least one pair of vertical knobs opposing each other on both sides of the shank hole. Frederick teaches at least one pair of vertical knobs (14) in Fig 5-7, and col 2 lines 44-48 and col 3 lines 4-9, stating in col 3 lines 41-44 that the knobs are used to prohibit the workpieces from recocking and loosening once the clip is on the stud. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Fisher and Frederick before him at the time the invention was made, to modify Fisher as taught by Frederick to include vertical spacing knobs, in order to prohibit the workpieces from recocking and loosening once the clip is on the stud. One would have been motivated to make such a combination because a more secure connection would have been obtained, as taught/suggested by Frederick as discussed above.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher. Examiner notes that the intended use of the first and second members does not structurally affect the attachment clip, and that the clip of Fisher is capable of attaching a heat shielding plate and an under panel of a vehicle. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Fisher before him at the time the invention was made, to modify Fisher to include use with a heat shielding plate and an under panel of a vehicle, in order to maximize the market and uses for the clip. One would have been motivated to make such a combination because a fast

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assembly and resistance to vibration loosening of the Fisher clip would be desirable in vehicle assembly.

Allowable Subject Matter

8. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 3/28/2005 have been fully considered but they are not persuasive. It appears applicant is arguing that Fisher does not teach a distance between the tips of claws 18 and 16 equal to one or more whole pitches. First, applicant has not claimed whole pitches, but even if whole pitches were required, the tip of claw 18 is curved and of a length equal to or exceeding the distance between two crests. Thus the tip of 18 is not at a single point of height, but rather spans a range of heights. Thus there is inherently at least a point on the tip of claw 18 that is separated from the tip of claw 16 by a distance equal to one or more even pitches.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

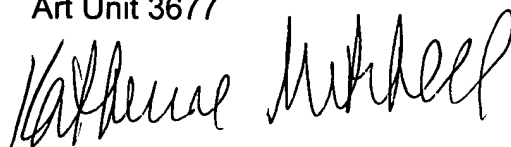
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwm
5/31/2005

Katherine W Mitchell
Examiner
Art Unit 3677





Approved
Kenny
6/3/05

Prior Art
FIG.1

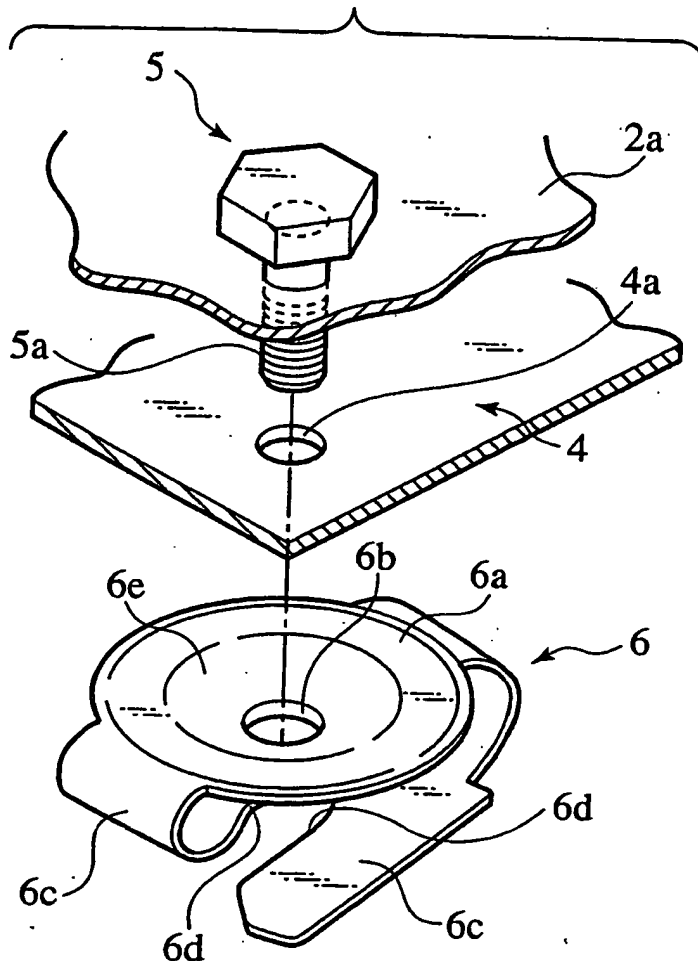
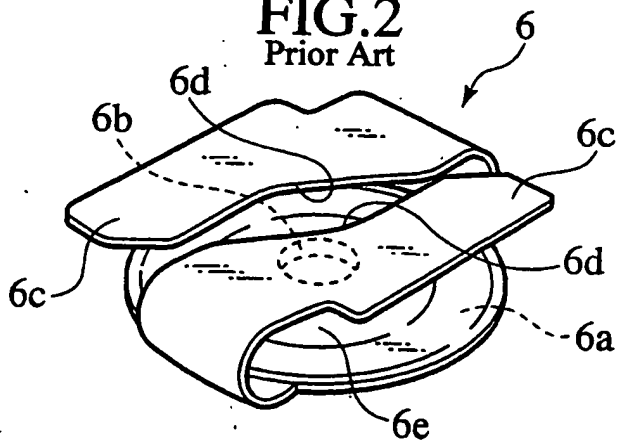


FIG.2
Prior Art





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REPLACEMENT SHEET

FIG.3

Prior Art

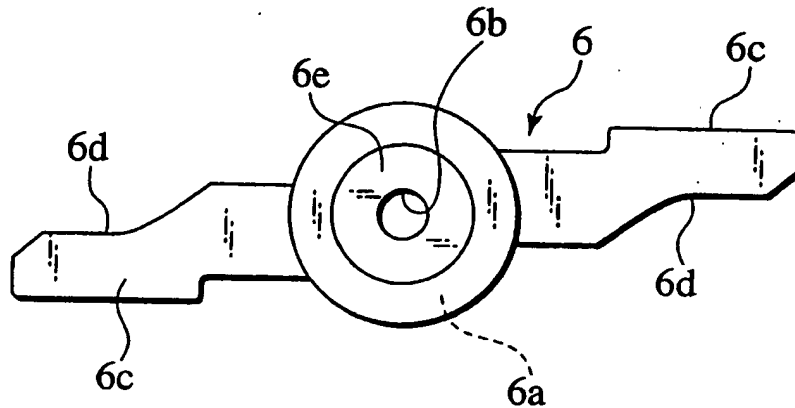


FIG.4

Prior Art

